

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

CHARLES JOHNSON,	:	
Plaintiff,	:	Civil No. 3:15-CV-578
V.	:	
	:	(Judge Kosik)
WARDEN EBBERT,	:	
Defendant.	:	

MEMORANDUM

Before the court is a Report and Recommendation of Magistrate Judge Karoline Mehalchick filed on March 25, 2015 (Doc. 7), recommending that Plaintiff's Motion for an Emergency Preliminary and Permanent Injunction be denied. For the reasons which follow, we will adopt the Report and Recommendation of the Magistrate Judge.

BACKGROUND

Plaintiff, Charles Johnson, an inmate confined at the United States Penitentiary, Lewisburg, Pennsylvania, filed an Emergency Preliminary and Permanent Injunction Motion on March 23, 2015. A Memorandum of Law (Doc. 2) was submitted in support of the Motion. In his Motion, Plaintiff raises concerns for his safety from prison officials and other inmates. As relief, Plaintiff requests that he be transferred to a state prison in Missouri, that he be placed in protective custody until the transfer, and that we direct prison officials to cease certain conduct toward Plaintiff. On March 25, 2015, the Magistrate Judge issued a Report and Recommendation (Doc. 7), wherein she recommends that Plaintiff's motion be denied. Specifically, after reviewing the law regarding preliminary injunctive relief and considering the four factors for granting preliminary injunctive relief, the

Magistrate Judge found that no immediate irreparable injury was alleged.

In response to the Report and Recommendation, Plaintiff sent a letter to the Magistrate Judge (Doc. 10), wherein he reiterates the sincerity of his claims and repeats the allegations set forth in his motion. We will construe Plaintiff's letter as Objections to the Report and Recommendation.

DISCUSSION

When objections are filed to a Report and Recommendation of a Magistrate Judge, we must make a de novo determination of those portions of the Report to which objections are made. 28 U.S.C. §636(b)(1)(c); see Sample v. Diecks, 885 F.2d 1099, 1106 n.3 (3d Cir. 1989). In doing so, we may accept, reject or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. §636(b)(1); Local Rule 72.3. Although our review is de novo, we are permitted by statute to rely upon the Magistrate Judge's proposed recommendations to the extent we, in the exercise of sound discretion, deem proper. United States v. Raddatz, 447 U.S. 667, 676 (1980); Goney v. Clark, 749 F.2d 5, 7 (3d Cir. 1984).

After reviewing the Report and Recommendation of the Magistrate Judge, in light of Plaintiff's Objections, we agree with the Magistrate Judge that no immediate irreparable injury is alleged. As the Magistrate Judge points out, the materials submitted by Plaintiff outline nothing more than a speculative possibility of future harm, based upon generalized allegations of threats and harassment. Accordingly, we will adopt the Report and Recommendation of the Magistrate Judge¹.

¹Because of the nature of the allegations in the Plaintiff's motion, the U.S. Probation Office contacted officials at the Bureau of Prisons about Plaintiff's allegations and was informed that they will look into the matter.